

SPEECH

49

OF

HON. W. A. GORMAN, OF INDIANA,

ON THE

ADMISSION OF CALIFORNIA.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, TUESDAY, MARCH 12, 1850.

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Speech of Hon. Wm. A. G. Brown, 1831



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## SLAVERY IN THE TERRITORIES.

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. GORMAN said:

Mr. CHAIRMAN: In proposing to offer my views to the committee upon the subject under consideration, I must necessarily touch very briefly upon the several topics now agitating the public mind, and alluded to in the President's message now before us. Therefore, without further introduction, I propose to give the views of myself and a large majority of the constituents I have the honor to represent. I need not remark, that almost every State, in which African slavery is tolerated as an institution, has declared, by legislative resolves, by and through the messages of their several Governors, and by expressions of their feelings and sentiments in primary meetings, that the Congress of the United States has no constitutional power to legislate upon the subject of slavery in the States or Territories. This fact is universally known, through the medium of the press. These States have, in the most solemn manner, declared their determination never to submit to further aggression upon what they deem their constitutional rights. This leads me to inquire whether the institution of slavery exists in any of the territory lately acquired by the treaty with Mexico. We of the free States have held, and now hold, that African slavery, or involuntary servitude, does not exist there. In proof of this position, we say, that when a Government acquires territory, inhabited by people, that all laws, not strictly political, remain in full force, until they are altered by the new sovereign. Here we admit, if a country is discovered by the people of a nation, in this instance, the laws of the Government to which the discoverer owes allegiance are brought with them, and are in force until they are altered by some other legitimate power.

"It is a settled principle in the law and usage of nations, that the inhabitants of a conquered territory change their allegiance, and their relation to their former sovereign is dissolved; but their relation to each other, and their rights of property, not taken from them by orders of the conqueror, remain undisturbed."—5 *Rob. Rep.*, 106.

"The cession or conquest of a territory does not affect the rights of property."—*Vattel*, b. 3, ch. 13, sec. 200.

"Again: in the case of *The United States against Percheman*, 7 *Peters U. S. Rep.*, 51; *Michell vs. The United States*, 9 *Peters U. S. Rep.*, 711; *Strother vs. Lucas*, 12 *Peters*, 410, 438."

"The laws, usages, and municipal regulations, in force at the time of the conquest or cession, remain in force until changed by the new sovereign."—*Calvin's case*, 7 *Co.* 17; *Campbell vs. Hull*, *Cowp. R.* 209; 9 *Peters U. S. Rep.*, 711, 734, 748, 749; *Strother vs. Lucas*, 12 *Peters*, 410.

"There is no doubt of the power of the sovereign to

change the laws of a conquered or ceded country by a mere declaration of his will."

But the sovereignty of the American States rests in the people, and is promulgated through their representatives, in the executive, legislative, and judicial departments of the Government; and before the laws that, by the usage and custom, are repealed or altered by this Government, they must be governed by the laws in force at the time of the cession. And no one pretends that they have been altered. This principle was well illustrated in New York, in the case of the *Canal Appraisers vs. The People*, 17 *Wendell R.*, 584, 588. When the English acquired the possession of New York by force, in 1664, the charter granted in that year to the Duke of York, contained an explicit declaration of the King's will, that the laws of England should be the established laws of the province. And this put an end to the operation of the Roman-Dutch laws imported from Holland. The illustrations above alluded to, of the sovereign power of the conqueror over the laws of the conquered countries, appear in the case of the northern barbarians, who overrun the south of Europe during the fifth and sixth centuries. They neither adopted their own laws entirely, nor retained those of the conquered countries to their full extent.—*Savigny's History of the Roman Law*, vol. 1.

"The conquest of Gibraltar, Trinidad, Ceylon, the Cape of Good Hope, Louisiana, &c., all show that the old laws remain, or the laws of the conquering nation, in whole or in part, are substituted at the mere will and pleasure of the conqueror."—*Note to 1st Kent's Com.*, p. 178.

The next question to be determined is, has African slavery been abolished by any legitimate act of the Mexican Republic? We of the West say it has—first, by the decree of 1829; second, by the act of the Mexican Congress of 1837, to which decree, a distinguished Senator from Texas [Mr. Rusk] has taken exception, as not being legitimate. This decree is as follows:

"Day 15.—Decree of the Government in virtue of extraordinary powers.

"*Abolition of slavery in the Republic.*—1. Slavery is abolished in the Republic. 2. Consequently those are free who until now, have been considered as slaves. 3. When the circumstances of the treasury permit it, the owners of slaves shall be indemnified in the manner prescribed by the laws.

"The decree of the 15th September, 1829, gave liberty to the slaves then in the Republic, with indemnity to their owners or possessors, that property might not seem to be attacked; and finally, in April, 1837, a new law had been published on the abolition of slavery."

He assumes that they have no binding force, because they were promulgated while the Govern-



ment was in a state of revolution, and by a dictator.

This might have some force, if it were not for the act of the Mexican Congress, acting within their legitimate sphere, passed in 1837, solemnly affirming the decree of 1829. If even this act of the Mexican Congress had not been fully legitimate, all doubt must be dissipated, when the constitution of 1843 absolutely abolished slavery, as the following extract will prove:

"No one is slave in the territory of the nation, and any introduced shall be considered free, and shall be under the protection of the laws."—*Const.* 1843.

The two preceding propositions being affirmed by most of the free States, and denied by part of the South, both sections can, and ought, to settle this vexed question of slavery by the old, time-honored doctrine of the Democratic Republican party—non-intervention; and should a slaveholder emigrate to this territory, or any part of it, we affirm that he will find, staring him in the face, the laws now in force prohibiting slavery. Then we have a constitutional tribunal to test the legal question, which will necessarily then arise, whether his negro is a bondsman or freeman? Here, then, I present a peaceable, constitutional remedy for both the North and the South, without resorting to dissolution or prohibition. Will the South accept this non-intervention platform? Will the North accept this constitutional and peaceable platform? Will the South trust the Supreme Court? Will the North trust the Supreme Court? If they will, this question can be settled in peace and concord. The legal minds of the South must have been strongly impressed with the belief that slavery did not exist there under or by authority of law; therefore it has been that this species of property has not been taken there, as a general thing, by the southern people.

I now propose to inquire, whether a slaveholder would venture to take his slave there as property? If a citizen of Georgia proposed to emigrate to Louisiana, the first inquiry would naturally be, "Can I hold my slaves as property by the municipal laws of that State?" He is answered, yes. But suppose there is also a law upon the statute books of Louisiana, which declares that all negroes—slave children—born after the year 1852, should be free. I ask the honorable gentleman from Georgia [Mr. Toombs] if he could evade the force of that law, by declaring that the Constitution of the United States recognized the institution as existing in Georgia—therefore, he had a vested right to his slave, as property—and being the owner of the mother, that he had a right to the offspring—and that no municipal law could deprive him of it? I presume, as a lawyer, he would not hesitate to say, that he must submit himself and his property to the laws of Louisiana. I ask him whether the municipal law of a territory has not the same binding force upon the inhabitants as it has in a State?

Now, Mr. Chairman, I propose to make a brief reply to many assaults which have lately been made upon the Democratic party. The honorable gentleman from Georgia [Mr. Toombs] has charged upon the Democratic party North and South, that, by their united efforts, they acquired Texas, the reoccupation of Oregon, California, and New Mexico; that, for his part, he "had but one record—and that was, against the acquisition." To this charge, I, in behalf of that gallant Democratic district which I have the honor to represent, plead guilty. It was the Democratic party who stretched

out their arms to their Texan brethren, and bid them welcome back to their old mother. It was the Democratic party who sympathized with her cause, and mourned for the loss of her noble sons, who laid down their lives in the cause of liberty; and it was the Whig party that opposed her cause. It was the Democratic party who was for the war with Mexico, brought on by the shedding of American blood upon American soil; it was the Whig party that opposed it, with a few noble exceptions. It was the Democratic party who declared that this war was begun by the act of Mexico; it was the Whig party who said, that it was unnecessarily and unconstitutionally begun by the act of the President. It was the Democratic party who acquired California and New Mexico, with her inexhaustible mines of gold and silver, and other precious metals—thereby opening a new and extensive trade on the Pacific; it was the Whig party who opposed it. It was the Democratic party that obtained the reoccupation of Oregon, with her vast agricultural resources, her noble rivers, and her harbors; it was the Whig party who opposed it, with a few honorable exceptions. The honorable gentleman from Georgia should have gone further, and told his Whig friends that it was the Democratic party that acquired Florida from Spain, and Louisiana from France; both of which acquisitions have opened new channels of commerce and wealth, and given an outlet to the great valley of the Mississippi, for her inexhaustible agricultural productions; it was the Whig party that opposed it. It has been the Democratic party, who have always advocated the progress of human liberty throughout the world; it has always been the Whig party who opposed it.

Sir, I now propose to say a few words about the hackneyed phrase of northern and southern aggression. The fanatics of the North—I mean the Abolitionists—and their co-laborers, in the work of agitation, charge that the South have succeeded in carrying every measure before Congress. Why is this so? I answer, (if it is true,) that the heavy body of the Democratic party has generally been south of Mason and Dixon's line, and that they have had most of the Presidents—a Washington, Jefferson, Madison, Monroe, Jackson, and Polk. These illustrious men always maintained the doctrine of a strict construction of, and a firm adherence to the Constitution of the United States, and that Congress should exercise no power not granted in the Constitution, except it be a necessary incident thereto, to carry into effect some expressly delegated power. Each of these illustrious patriots left their impress upon the age in which they lived and ruled. They transmitted to their posterity their pure republican principles, which have been beacon lights to the Democratic party ever since. With those republican doctrines, many of the northern States and nearly all the western States, have deeply sympathized, as the only safe doctrine for the perpetuity of American liberty. For many years past, the South alone have not had the numerical strength to pass any law without assistance from the North and West. The Democratic party, North and South, have invariably resisted the doctrine of protecting the manufacturing capital of the North and East, at the expense of the great agricultural interest of the country; and I very much fear, that this agitation of the slavery question has its foundation in a desire to get rid of any further association with this republican



sentiment of the South; and finding the southern people sensitive upon the subject of slavery, have seized upon that question as a pretext to cover up the real motive. But, Mr. Chairman, what do the South ask? I answer, nothing, but to be let alone. If I understand her statesmen, and those who profess to speak for her upon this floor, they do not propose to extend the institution of slavery by any act of Congress. The Democratic party of the South, in most of the States, have passed resolutions, declaring the doctrine of non-intervention as the only constitutional ground that can be taken on the subject of slavery in the territories. Resolutions were adopted by the Democratic party of Georgia and Mississippi, in 1848, substantially as follows:

*"Resolved, That the people of the South do not ask of Congress to establish the institution of slavery in any of the territory that may be acquired by the United States. They simply require, that the inhabitants of each territory shall be left free to determine for themselves, whether the institution of slavery shall, or shall not, form a part of their social system."*

Upon the platform laid down in the above resolution, the Democratic party went into the political contest in 1848. Upon that platform, the great body of the Democratic party yet stand firm; and had the honorable gentleman from Georgia [Mr. TOOMBS] been found doing battle in the cause of that distinguished patriot, LEWIS CASS, and brought that gallant little State of Georgia into the Democratic ranks, he would not now be under the necessity of raising his voice in the defence of the constitutional rights of the South. He would then have had at the helm of Government a man, pledged to veto any unconstitutional restriction upon the rights of the people; but he chose to continue chained to the idol of party, and what has been his reward? I might leave him to answer; but I propose to tell him what he has done. He has a President, who recommends masterly inactivity upon the subject of the territories. He tells Congress, in the message now under consideration, to leave these people without government, without American laws, or without the protection of the American Constitution, until they form a State constitution, and then admit them into this Union—that is, he tells the gentleman from Georgia to slumber on quietly, and wait until the enemy have taken possession of the fortress; and then tells him, he must surrender at discretion. Again, Mr. Chairman: The Whigs of the slaveholding States have had much to do in making friends to this slavery agitation. Your Letchers and Metcalfes of Kentucky, came to Indiana, and told our people that General Taylor, if elected President, would let the will of the people, as expressed through their Representatives in Congress, become the law of the land; and that he would not exercise the veto power against the passage of the Wilmot proviso. Upon these declarations and pledges, the North relied, and voted for General Taylor. In the South, General Taylor was held up as a southern man, identified with the institutions of the South by all the ties of birth, education, locality, sympathy, and pecuniary interest; that he was the owner of slaves himself, and that he never would desert the South. In this dilemma General Taylor now finds himself. He is now the President of the Republic, and under the Constitution is compelled to recommend, from time to time, such measures as he may deem necessary to promote the public welfare. And thus we have the message now before us, to extricate him, and save him from the

calamity which must necessarily befall him and his Administration, should he be compelled to approve, or disapprove, the Wilmot proviso. And, sir, I can well imagine the difficulty he will have to encounter by doing either. At this juncture, the honorable gentleman from North Carolina [Mr. STANLY] comes to the rescue; and it almost seems to me, sir, that I can see the old soldier, struggling like Cæsar in the Tiber, with raised arms, and hear him cry to the honorable gentleman from North Carolina, "Help me Cassius, or I sink!" while faithful Cassius flies to the rescue, and boldly charges the Democratic party with a design to break down General Taylor's Administration. He says, (I quote from memory,) "that 'party is at the bottom of all this agitation; that 'we have had a southern man for President, southern Speakers of the House of Representatives, and 'Democratic majorities in this House, and have 'never manifested opposition heretofore, but have 'reserved all our assaults, until General Taylor 'became President." To this, I have only to say, that when we have had Democratic majorities, there was no danger of breaking over constitutional barriers, and invading the domestic institutions of the South. Sir, until lately, the Democratic party has been but slightly infected with this fanatical spirit of agitation. But the whole Whig party of my State, with a few honorable exceptions, sympathized with this abolition and free soil movement, until General Taylor's nomination for the Presidency. Since then, I have no knowledge of their whereabouts. If any of that party from my State can give any information, I leave the task to them.

Mr. Chairman, I now propose to show the spirit that animates the Abolitionists, and most of the Free-Soilers in the North. The gentleman from Georgia [Mr. TOOMBS] has been denounced all over the North, through the press, and elsewhere, for sentiments uttered during the heated excitement existing here, pending the election for Speaker—sentiments, sir, that I did not approve, and never expect to. The honorable gentleman from Alabama [Mr. HILLIARD] has been arraigned by the honorable gentleman from North Carolina, [Mr. STANLY,] for uttering sentiments, and proposing resistance to any further encroachments upon southern rights: these were uttered during the heat of debate, and can, and ought to be, by honorable and fair men, partially excused.

But, sir, I beg you to listen to the deliberate and cool language of the distinguished gentleman from Massachusetts, [Mr. MANN.] He says: "In conclusion, I have only to add, that such is my 'solemn and abiding conviction of the character of 'slavery, that, under a full sense of my responsibility to my country and my God, I deliberately 'say, better disunion—better a civil or a servile 'war—better anything that God in his providence 'shall send—than an extension of the bounds of 'slavery."

Who from the South was ever heard to use such language? Who from the South ever implored disunion and civil war rather than the non-extension of slavery? Who from the South ever uttered so treasonable a sentiment? I answer, none. Let us reverse this deliberate declaration of the gentleman from Massachusetts, and put it into the mouth of a gentleman from a southern State, and then view it in all its wicked and immoral tendencies. "Better disunion—better a civil or a 'servile war—better anything that God in his providence shall send, than that we shall not get sla-



'very extended to California or New Mexico.' What would the northern press, the northern people, and the northern Representatives have said to such a sentiment? It would have been denounced as most wicked and despicable. And it must be recollected, that this is not the language of a gentleman of the Garrison school of Abolitionists—he will not consent to be classed in that category—but it is from a genuine Whig of the North.

Mr. MANN rose, and said: Will the gentleman from Indiana allow me to explain?

Mr. GORMAN. I do not yield the floor. The gentleman has written out his remarks, and I deal with nothing else.

Mr. MANN. That is the spirit of his remarks—a misrepresentation, and then a refusal of explanation.

Mr. GORMAN. Then I will read from the printed speech—(reading the precise words as quoted.) I ask the gentleman if he acknowledges that to be a part of his speech?

Mr. MANN. I made a speech in which I used those words, and expressed those sentiments.

Mr. GORMAN. Then I have not misrepresented the gentleman from Massachusetts.

Mr. MANN. Will the gentleman allow me to explain?

Mr. GORMAN. If the gentleman will not be too long.

Mr. MANN. I made a speech, in which the sentiment read, occurs—that is my sentiment. But the gentleman from Indiana uttered something relative to Massachusetts, to which I wish to reply.

Mr. GORMAN. I cannot yield for that; but if I uttered one sentiment derogatory to that old State, it was altogether unintentional.

Mr. MANN. If the gentleman from Indiana would allow me, I wish to say one word?

Mr. GORMAN. I cannot be interrupted any further, unless the gentleman says that this (holding it up) is not a fair copy of his speech.

The gentleman from Massachusetts [Mr. MANN] says, "Our share, therefore, of the calamities of a civil war, will be mainly of a pecuniary nature."

Yes, Massachusetts will suffer but little from civil war. I suppose, Mr. Chairman, they will do as the turtle, draw in their heads—and say, as they did of *old*, Massachusetts never goes beyond the confines of her State to fight. No, Mr. Chairman, the great West will be the losers by a dissolution of this Union, or by civil war. Indiana is on the border of a slave State; and I suppose the gentleman from Massachusetts will call upon us to fight it out, while they receive no damage but "of a *pecuniary nature*." But, sir, in this contemplated dissolution, where are we of Ohio, Indiana, and Illinois, to go? Are we to go North, and be tied to the northern capitalists; and our farmers to become tributary slaves to protect manufacturing capital? God forbid, and save us from any such destiny! The life's blood of my people depend upon their trade upon the great waters of the Mississippi; and, sir, we as naturally go there with our produce, as a child goes to its mother's breast for sustenance and support. We never will be cut off from it. Some of the precious blood of my people, yet living, was poured out upon the battle-fields of the South, to secure to their children the free navigation of its waters; and they are bound to that section of this Confederacy by hooks of steel; and they are resolved never to be deprived of its advantages.

How can you expect, gentlemen of the South and of the North, to continue in harmony and

peace, when this spirit of fanaticism is constantly telling our southern brethren that they are tyrants, and are tyrannizing over a portion of their fellow-men, and using toward them epithets of every disreputable character? Your agitation has brought us to the crisis that we are this day contemplating. And what great national good has ever been accomplished by it? If this agitation is continued a few years longer, and sectional strife results in the formation of parties by geographical lines, from that day the bonds of fraternal union will be weakened, and finally rent asunder forever. And with the dissolution of this Union, must necessarily come a civil war, which will bury in blood forever the hopes of human freedom throughout the world.

Mr. Chairman, I now propose to examine, for a few minutes, the doctrine of the Wilmot proviso. I have said to my constituents, and I repeat here to-day, that this proviso "was conceived in sin, and brought forth in iniquity," by Martin Van Buren, through a deep-seated desire to avenge his disappointed ambition. It was intended to defeat Lewis Cass and the Democratic party. Yes, Mr. Chairman, this "son of York," that the great Democratic party had nursed, reared, and caressed, and into whose nostrils they had breathed the breath of political life, when he came to full maturity, "turned to a serpent, and stung his benefactors to death." But I firmly believe he has furnished a motto for our political regeneration: "The sober, second thought, of the people."

"Truth, crushed to earth, will rise again;  
The eternal years of God are hers."

But if the South ask us of the North to give our consent to *extend* slavery one inch, *by law*, we say, No, no; we cannot, *we will not, do it*.

If the only choice left us, is to vote for slavery extension, or for restriction, we will vote for *freedom*; we are no *propagandists* of slavery; we propose to *trust the people*—and there we stop.

Now, Mr. Chairman—pardon this digression—I propose to inquire whether it is necessary and expedient to pass the "Wilmot proviso," or otherwise trammel, by Congressional action, the will of the people in these territories.

If, as every northern man, and many of the southern, admit, that these territories are now free from African slavery, how can they suppose that the passage of the proviso will make it more free? The only ground upon which the Wilmot proviso can be justified, by republicans, is, that they doubt the capacity of the people to govern themselves—that they believe the people are not so wise, not so moral, not so good, and that they do not love liberty so dearly, as they do! Northern Free-Soilers are wonderfully alarmed for fear the *people* will not know what is best for their own welfare, for fear these far-west, backwoods pioneers, will not have sense enough to take care of themselves. The doctrine of the Wilmot proviso presupposes that Congress has the power to do everything, not expressly forbidden. Instead of the republican doctrine, that Congress can exercise no power not expressly granted, or as a necessary incident to some express grant, and that all power not expressly granted to the General Government is reserved to the States respectively, *or to the people*. This doctrine of the proviso assumes that Congress has power to make all needful rules and regulations for the *people* of the territories, and confounds the *people*, and the inherent rights of man, with the right which is granted in the Constitution to make all needful rules and regulations for the disposition of the *property* of the United States.



Mr. Chairman, I assume, on the basis of republican liberty, that man, in a civilized state of society, has the inherent right to life, liberty, and the pursuit of happiness, and also the inherent right in all republican governments, to have a voice, directly, or through representatives, in making all needful rules and regulations for the government of that natural right of life, liberty, and the pursuit of happiness. And, Mr. Chairman, to deny any part of our fellow men that right, as this self-styled Free-Soil party propose, is old-style Federalism, which in olden times declared that "the people were a rabble, incapable of self-government, and that none but the rich and well-born should have power to govern. The ignorant masses ought to thank God that they were well governed, and that they should not even desire to govern." It assumes another doctrine, that stinks in the nostrils of freemen—that is, that Great Britain, headed by King George, was right in the days of the revolutionary struggle, and that our colonies were wrong—that King George and his Parliament had a right to tax us without our consent—that he had a right to send standing armies to be stationed among them in time of peace, to eat out their substance without their consent.

This proviso doctrine assumes another Federal-toned ground, that the people of these territories will not have the power to prohibit slavery from coming there, if a few slaves once get a foothold there. This again sets up the idea, that we northern folks must needs watch over you for fear you will suffer yourselves to be imposed upon. Mr. Chairman, if slaves are taken there, a constitutional district court of the United States will also go there. In that court, if any person feels aggrieved, will be found ample power to redress their grievances, under the Constitution and laws of the land. But now here comes the sticking point. These exclusive lovers of liberty and freedom, say they will not trust the constitutional tribunals, because some of the judges are southern men. Here is the sore that festers deepest. They cannot trust the Supreme Court!—they cannot trust the people of the territories!—they cannot trust Americans to make their own laws, for fear these pioneers will *abolish freedom*, and impose upon themselves some terrible evil.

These exclusive champions of liberty and human freedom, must needs take this matter out of the hands of those hard-fisted, honest-minded, people of the far West. But, sir, when the clarion of war is sounded on our western or Indian border, does the patriotic ardor of this free-soil, free-labor, free-speech party, rally to the standard of their country? Generally, sir, the contrary is true; generally, sir, they are found saying that our country is wrong, and the enemy right.

But one word upon the subject of the Missouri compromise: I will never vote for it. I will never yield to the doctrine of restriction on the inherent rights of the people, either north or south of 36° 30' north latitude. I am willing to trust the people, and them alone. They are to suffer whatever evil they deliberately impose upon themselves, and not my constituents. I maintain the position, that Congress has quite as much authority to restrain and restrict the institution of marriage, or the relation of master and apprentice, guardian and ward, or parent and child, as they have to restrain the people of a territory from adopting their own municipal regulations, while they act within the powers and limitations of the Constitution of the United States. Therefore, I will not vote for the

Missouri compromise, because it should be free north, and free south, if the people say so. I am not afraid that *Americans*, native or adopted, will do wrong to themselves.

Sir, one word upon the admission of California into the Union, with her present constitution. It is assumed, by some of the South, that she has been tampered with by the present Chief Magistrate, General Taylor, for the purpose of avoiding the political calamity that would necessarily befall him, whether he signed or vetoed the Wilmot proviso. If it could be done without a sacrifice of principle, I frankly confess, I would like to see the cup put to his Executive lips—not that I would desire to see any personal calamity befall him; far from it. His friends may build to his well-earned military fame, a monument as high as the sun; I will never reach out my hand to tear a block from the pyramid. But I do not think it important to know whether or not he interfered. The people met—formed their constitution at their own time, in their own way, and it is republican in its form, and that is all we have a constitutional right to know.\* It was submitted to the people for their consideration, either to be ratified or rejected. They ratified it by an overwhelming majority; and, sir, more—they have elected a Democratic Governor and Lieut. Governor. They elected Democratic delegates to the convention—they formed a truly Democratic constitution—they elected Democratic delegates to Congress, and Democratic Senators; and this satisfies me that these people, had then, and have yet, sound judgment, and just notions of republican liberty, in spite of Executive influence.

If the Executive counsels had effected anything, would not the California constitution, like his own notions of masterly inactivity on this slavery question, have prevailed, and a profound silence been observed? No, sir, these people that voted and acted in this matter, were, nineteen-twentieths of them, Americans, who knew their rights, and the flashing of Executive patronage in their faces, could not deter them from the right. More, sir; these people were, and are yet, nearly all plain Democrats, and General Taylor and his Cabinet could not have influenced them one way or another. I have the pleasure of a personal acquaintance with many of these people. They love freedom and equality. They understand the *blessings* of civil and religious liberty—the freedom of the press and of speech. Did this Administration prevent them from inhibiting all banks and banking institutions? I ask southern Democrats if they think that this clause was made by the consent of this Whig Administration? I presume not.

But, Mr. Chairman, I hope to be pardoned for turning aside to notice a remark made by the honorable gentleman from Pennsylvania, [Mr. STEVENS.] He, sir, is a distinguished leader of the Whig party, and like the honorable gentleman from Massachusetts, [Mr. MANN,] he must bear

\* Mr. CALHOUN introduced the following resolution into the United States Senate in 1847:

"Resolved, That it is a fundamental principle in our political creed, that a people, in forming a constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness. And that in conformity thereto, no other condition is imposed by the Federal Constitution on a State in order to be admitted into the Union, except that its constitution shall be republican; and that the imposition of any other by Congress, would not only be in violation of the Constitution, but in direct conflict with the principles on which our political system rests."



his share of the responsibility of this dangerous agitation. He says:

"But in this glorious country, where nearly two thirds of the people are free, we can say anything within these walls or beyond them with impunity, unless it be to agitate in favor of human liberty—that is *aggression!*"

Agitate for human liberty! That is the cant phrase. What does he propose to accomplish by agitation? He admits that we cannot disturb slavery in the States. He admits, and declares, that there is no slavery in California, or New Mexico. He admits, and declares, that they are now free. And now, I ask, who does he propose to make free? What bonds does he ask to break? What chains fetter the limbs of the freemen of the territories? I suppose he, like others of his party, is very much alarmed, lest these hard-fisted, honest-hearted people of the far West *will abolish freedom*, and load themselves with chains and slavery. Mr. Chairman, this is the style of all the free-soil arguments I have ever heard; but I desire to ask the free-soil Democrats one question. After you have got this slavery question settled, where do you intend, as a political party, to go? or what do you intend to do? Do you still intend to make it a political test of party organization? If you do, at this point you and I must part company. I claim to love liberty, my country, and the Constitution, as well, and as devotedly, as any man in any party. I, for one, will stand by the Constitution and the union of these States. Come what will, or may, "the Union must be preserved." "Indiana knows no North, no South—nothing but the Union."

I commend to the eye of the restless political demagogue—whose political *existence* depends upon his ceaseless efforts at slavery agitation—the following extract from the late letter of Governor Brown of Florida:

"These are times of excitement; and men remarkable for wisdom, honesty, and discretion, are rarely, if ever, conspicuous in promoting schemes of agitation. Such men, at such times, and in such schemes, usually give place to the *restless politician and forward demagogue*, who generally manage to render themselves prominent and "popular, and of course successful."

Now, Mr. Chairman, I beg to say one thing to the great national Democratic party, of which I claim to be an humble member. You have held the control of this mighty nation for fifty years out of sixty. Its prosperity and its glory have been the work of your hands. You have passed through many storms of political strife, and have brought the ship of State, each time, safely into port. You have been beaten occasionally, but "never conquered." Your temporary fall has only given renewed energy and vigor to your time-honored principles of republican liberty. You have strangled to death that hydra-headed moneyed monster, that once threatened the freedom of the laboring millions, until the name of "United States Bank" stinks in the nostrils of every Democratic republican. You have sustained, triumphantly, the doctrine of "equal rights to all men, exclusive privileges to none." You have sympathized with, and sustained, the progress of human liberty throughout the world. Your voices, your strong arms, and stout hearts, have always been raised in defence of your country; and while your countrymen were bleeding at every pore—while your brethren were offering up their lives upon the altar of their country—you have encouraged and sustained them; and while they were pouring out their blood in a foreign land, in defence of the

national honor, you never told the soldier, when he was returning from the field of blood, that he had just been engaged in a war that "was unconstitutional and unnecessarily begun." You have, while holding the reins of Government, extended and enlarged the bounds of human freedom. In 1848 you fell, defending the right of the people to settle this vexed question, and all others, for themselves. The present Executive, General Taylor, has approximated to the truth, you fell defending. Even the great northern light—the great Ajax of northern Whig principles—after having made a most unjust and unfounded attack upon northern Democrats, has finally given in his adhesion to the northern Democratic doctrine, that there is no necessity for passing this "Wilmot"—I will add, "proviso:" he does not dignify it so much.\* And now, when all parties, with but few exceptions, are giving in their adhesion to the truth of the Democratic doctrine of non-interference, on the subject of slavery in the territories, I hope to see northern Democrats standing in one rank upon the great rock of the Constitution, to save their beloved country from this threatening crisis. If you will, we shall have preserved our country, our national identity as a party, and our liberal, patriotic spirit as men. Then shall we have added another Democratic triumph to the long list of victories over error in by-gone days.

In conclusion, sir, allow me to say, that my people, who have so generously intrusted me with their confidence, if they were now to speak, would say, admit California into the Union—settle the Texas boundary—organize the territories, leaving the people, who are there, in the fullest enjoyment of their inherent rights to self-government—and abolish the slave trade in the District of Columbia. In doing these things, let every *Democrat*, north and south, unite in one fraternal bond of union. Then will the Union be saved. Then will the country be quieted. Then will disunionists, north and south, be consigned to the "tomb of the Capulets," and your beloved principles will again attest the truth, that "the people are capable of self-government."

\* And I have therefore, sir, to say, in this respect also, that this country is fixed for freedom to as many persons as shall ever live there, by an irrevocable law—a more irrevocable law, than the law which appeals to the right of holding slaves under legal enactments. And I will say further, sir, that if a resolution or a law were now before us to provide a territorial government for New Mexico, I would vote to put into it no prohibition whatever. The use of such a prohibition would be idle, as it respects any effect upon the territory. I would not take pains to reaffirm an ordinance of nature, nor to reenact the will of God. I would put in no Wilmot Proviso, for the purpose of a taunt and reproach—an evidence of superior votes, or superior power—to wound the pride, even—whether a just and rational pride, or an irrational pride—to wound the pride of the gentlemen and people of the southern States. I have no such object, and no such purpose. They would think it a taunt and an indignity. They would think it to be an act taking away from them what they regard as a proper equality or privilege. Whether they are expected to realize any benefit from it or not, they would feel that at least a theoretic wrong—something derogatory, in some degree, more or less, to their character—had taken place. I need not inflict any such wound upon the feelings of anybody, unless in a case where something essentially important to the country, and efficient to the preservation of liberty and freedom, is to be effected. Therefore, I repeat, sir—and I repeat it because I wish to be understood about it—I do not propose to address the Senate often upon this subject. I desire to pour out all my heart as plainly as possible. I say, therefore, sir, that if the proposition were now here, for a government for New Mexico, and it was moved to insert a provision for the prohibition of slavery, I would not vote for it.—*Webster.*